

OFFICIAL COPY

Fresno, California

May 14, 2002

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Tim Rolen, New Hope Community Church, gave the invocation, and a student in the audience led the Pledge of Allegiance to the Flag.

PROCLAMATION OF WATER AWARENESS MONTH - COUNCILMEMBER QUINTERO

1. HONORING SAN JOAQUIN REHABILITATION HOSPITAL AS AN EFFICIENT WATER USER

PRESENTATION OF 3RD QUARTER STUDENT RECOGNITION AWARDS FOR ELEMENTARY AND MIDDLE SCHOOLS IN DISTRICT 4 - ACTING PRESIDENT CASTILLO

RESOLUTION OF COMMENDATION TO NATIONAL CHAMBER ORCHESTRA OF ARMENIA - MAYOR AND CITY COUNCIL

PROCLAMATION OF PRINCIPAL JIM BOWEN, ADMINISTRATOR OF THE YEAR DAY - COUNCILMEMBER RONQUILLO

PROCLAMATION OF CATHERINE REHART DAY - PRESIDENT PEREA

PROCLAMATION OF BIKE WEEK (2 - 0)

The above certificates and proclamations were read and presented.

The City Council recessed their meeting at 9:24 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF MAY 7, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the Agency minutes of May 7, 2002, approved as submitted.

(“A”) AWARD A CONTRACT FOR DEMOLITION OF A SIX-UNIT APARTMENT COMPLEX AT THE NORTHEAST CORNER OF THESTA AND ILLINOIS (AGENCY ACTION)

Vice Chair Calhoun recused himself from the proceedings due to a potential conflict of interest and left the dais at 9:25 a.m.

On motion of Member Ronquillo, seconded by Member Quintero, duly carried, RESOLVED, a contract hereby awarded to Kroecker Inc., of Fresno in the amount of \$25,638 for demolition of a six-unit apartment complex at the northwest corner of Thesta and Illinois Avenue, by the following vote:

Ayes	:	Boyajian, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None
Recused	:	Calhoun

(“B”) CONSIDER APPROVAL OF AN AGREEMENT TO PURCHASE PROPERTY OWNED BY SOUREN TERTERIAN AT 530 “N” STREET IN THE OLD ARMENIAN TOWN AREA OF THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA (AGENCY ACTION)

Vice Chair Calhoun returned to the meeting at 9:26 a.m. A motion and second was made to approve staff’s recommendation, and discussion ensued with Director Fitzpatrick and City Attorney Montoy responding to questions and/or comments of Members Calhoun, Quintero, Ronquillo and Castillo relative to how much of the area around the home would eventually be cleared, need to preserve historic structures, paying fair market value for the property/no special consideration given, if the owner was a willing seller, possibility of relocating homes to infill lots, willingness of people to pay premium prices to live in historic homes downtown, if the thirteen remaining area property owners had been contacted yet and if there were any hold outs, if staff has approached the Armenian Foundation about selling their properties to the City at a lower price since they would directly benefit from the Armenian Town project, if construction of the community center by the Foundation was a certainty or if it was on a wish list, if the entire price to purchase the properties would be used toward the community center and if the City would have additional expenses, if the Foundation bearing the full cost to build the center was in writing, and clarification on the deal points and the purchase agreement. Member Castillo stated the Foundation’s commitment to use their proceeds for the center should be in writing since they would benefit from the deal and questioned if it was appropriate to make that part of the deal points since the City is operating in good faith, with Mr. Fitzpatrick responding.

On motion of Member Perea, seconded by Member Ronquillo, duly carried, RESOLVED, the agreement to purchase the Souren Terterian property at 530 “N” Street (APN 468-195-12) hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“C”) HEARING TO CONSIDER THE PROPOSED DEVELOPMENT OF A REPLACEMENT OFF-STREET PARKING LOT FOR THE GOLDEN CROSS CONVALESCENT HOSPITAL ON PROPERTY ALONG THE EAST SIDE OF A” STREET BETWEEN FRESNO AND MERCED STREETS IN THE SOUTHWEST FRESNO GNRA

1. JOINT RESOLUTION NO. 02-156/1603 - APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE REDEVELOPMENT AGENCY AND EMMANUEL AND OFELIA DAVID AND MARLENE ROBERTSON FOR THE PROPOSED DEVELOPMENT; MAKING CERTAIN FINDINGS INCLUDING ENVIRONMENTAL FINDINGS; AND AUTHORIZING THE EXECUTIVE DIRECTOR OR REDEVELOPMENT ADMINISTRATOR, TO SIGN DOCUMENTS AND TAKE ANY FURTHER ACTIONS NECESSARY TO CARRY OUT THE AGENCY’S OBLIGATIONS UNDER THE DDA (JOINT ACTION)

Chair Duncan announced the time had arrived to consider the issue and opened the hearing. Director Fitzpatrick and Planner Palmer reviewed the issue as contained in the staff report as submitted using a map to illustrate.

Upon call, no one wished to be heard and Chair Duncan closed the public hearing.

Director Fitzpatrick responded to questions of Councilmembers Calhoun relative to whether the \$425,000 cost was part of the master planning and the negotiations for a higher education facility in the area, and Councilmember Ronquillo commented briefly on the past blight and clean up of the area and great spin off from the City’s investment.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2002-156-1603 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned their meeting at 9:54 a.m., the Redevelopment Agency recessed to later in the meeting for closed session, and the City Council reconvened in regular session.

APPROVE MINUTES OF MAY 7, 2002

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the minutes of May 7, 2002, approved, *as amended*, by Councilmember Calhoun, on Page 139-208, Item 9:50 A.M., third paragraph, changing the first sentence with the italicized wording to read as follows: “Councilmember Calhoun stated this was a historic moment ..., commented briefly *in support of the project stating it would be monitored closely and added staff would be directed to take action on the existing non-conforming lots in the area, ...and made a motion...*”.

Gloria Torrez clarified her comments made on Item 1-N on Page 139-210, and spoke further to the issue at the end of the meeting under unscheduled oral communications.

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APPROVE AGENDA:

(4A) CONSIDERATION OF REPORT AND OPTIONS REGARDING SUMMARY RESULTS OF THE SIGN ORDINANCE COMMITTEE MEETINGS

Councilmember Calhoun requested the matter be set at a time certain in the afternoon for public convenience and after brief discussion and by Council consensus the matter was rescheduled for May 21st at 11:00 a.m.

(9:50 A.M.) APPEARANCE BY SANDRA BROCK TO DISCUSS THE CITY'S 457 DEFERRED COMPENSATION PLAN

To be rescheduled at applicant's request.

(1-H) APPROVE PURCHASE OF CITY PROPERTY AT 1615 EL DORADO BY LAND WEST LLC, AND APPROVE LEASE OF TEMPORARY REPLACEMENT WAREHOUSE SPACE AT 1603 "H" STREET FOR THE SOLID WASTE DIVISION

Laid over one week at the request of staff.

(11:00 A.M. #2) APPROVE DONATION OF THE DEDICATION PLAQUE MODEL FOR THE MULTI-PURPOSE DOWNTOWN STADIUM TO THE ATHLETIC HALL OF FAME - COUNCILMEMBER QUINTERO

Councilmember Quintero removed the item from the agenda, brief discussion ensued, and Council consented to the donation if the model was wanted by the Hall of Fame.

(3B) RESOLUTION - APPROVING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) FOR THE UNIVERSAL HIRING PROGRAM, AND AUTHORIZING THE EXECUTION OF ANY RELATED DOCUMENTS

At the suggestion of President Perea and by Council consensus the matter to be heard in conjunction with the Police Department's budget scheduled for 1:30 p.m.

POLICE REVIEW BOARD - PRESIDENT PEREA

President Perea stated he wanted a pre-meeting before the issue, if ever, is scheduled on the agenda, and brief discussion ensued.

(11:00 A.M. #1) HEARING REGARDING FISCAL YEAR 2003 PROPOSED BUDGET (CONTINUE TO 1:30 P.M.)

Continued as noted.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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ADOPT CONSENT CALENDAR:

(1-A) AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION OF FRESNO IN THE AMOUNT OF \$88,000 TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 101

(1-B) AWARD A CONTRACT TO ELECTRIC MOTOR SHOP OF FRESNO IN THE AMOUNT OF \$131,400 FOR INSTALLATION OF PARKING LOT LIGHTS AT THE “H” STREET PARKING LOTS BETWEEN KERN AND MONO, AND BETWEEN TUOLUMNE AND FRESNO STREET

(1-C) * RESOLUTION NO. 2002-157 - 22ND AMENDMENT TO PAR NO. 01-201 ADDING SIX SWORN POLICE OFFICER POSITIONS TO THE POLICE DEPARTMENT BUDGET FOR THE DURATION OF THE MILITARY RESERVE DEPLOYMENT

(1-F) APPROVE AGREEMENT WITH BIGGS CARDOSA ASSOCIATES, INC., FOR THE DESIGN OF THE CENTER SECTION OF THE HERNDON CANAL BRIDGE AT BLACKSTONE AVENUE, AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-G) APPROVE A REIMBURSEMENT AGREEMENT WITH CENTRAL UNIFIED SCHOOL DISTRICT FOR CONSTRUCTION OF OFF-SITE STREET IMPROVEMENTS BETWEEN WEBER AND POLK AVENUES, AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

1. APPROVE AN AMENDMENT TO THE AGREEMENT WITH PROVOST & PRITCHARD ENGINEERING GROUP, INC., TO PROVIDE ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR HERNDON AVENUE IMPROVEMENTS BETWEEN WEBER AND POLK AVENUES, AND AUTHORIZE THE CITY MANAGER TO SIGN THE AMENDMENT TO THE AGREEMENT ON BEHALF OF THE CITY

Councilmember Calhoun complimented staff for working with the school district on the major project.

(1-I) APPROVE ACQUISITION OF EASEMENT AT 2999 S. ORANGE AVENUE (APN 487-140-32) AND ACCEPT DEED OF EASEMENT FROM MR. AND MRS. WALLACE BARTHULI AND MR. AND MRS. DOUGLAS DUNBAR AT THE APPRAISED VALUE OF \$22,700 FOR THE NORTH AVENUE TRUNK SEWER, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE OF THE EASEMENT THROUGH ESCROW

(1-J) * RESOLUTION NO. 2002-158 - 96TH AMENDMENT TO AAR 01-200 FOR THE BI-ANNUAL UGM REIMBURSEMENT FROM AVAILABLE FUNDS TO APPROVED DEVELOPERS

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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CONTESTED CONSENT CALENDAR ITEMS:

(1-D) APPROVE AVIATION LAND AND BUILDING LEASE AND AGREEMENT WITH TALUS AVIATION SERVICES TO OCCUPY PREMISES AT FRESNO CHANDLER DOWNTOWN AIRPORT

(1-E) APPROVE AMENDMENT NO. 2 TO THE AVIATION BUILDING LEASE AGREEMENT WITH FRESNO AIRPARTS COMPANY TO OCCUPY PREMISES AT FRESNO CHANDLER DOWNTOWN AIRPORT

Relative to Item **1-D** Acting President Castillo stated there was no information in the staff report on the per square foot cost, total footage, and how the lease differed from other Chandler leases, and relative to **1-E** stated there was nothing relative to cost difference due to cost overruns, cost of living increases, stated he wanted the matters held over so he could review the lease agreements and commented on other 30-year airport leases and costs, **(3 - 0)** and questioned who monitored the leases for compliance, with Airports Development Manager Card responding.

On motion of Acting President Castillo, seconded by President Perea, duly carried, RESOLVED, the above entitled Items 1-D and 1-E laid over one week to allow Acting President Castillo's office to review the leases, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(10:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-29, REZONING APPLICATION NO. R-01-51 AND ENVIRONMENTAL FINDINGS, FILED BY JAY PARILLE ON BEHALF OF SONIC BURGER, TO REZONE PROPERTY WEST OF N. BLACKSTONE IMMEDIATELY SOUTH OF E. RIALTO AVENUE (LOCATED IN DISTRICT 7)

- 1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-29/R-01-51/C-02-02, DATED FEBRUARY 15, 2001**
- 2. RESOLUTION NO. 2002-159 - AMENDING THE BULLARD COMMUNITY PLAN**
- 3. BILL NO. B-24 - ORDINANCE NO. 2002-24 - AMENDING THE OFFICIAL ZONE MAP REZONE THE SUBJECT PROPERTY FROM R-1-C AND R-2 TO C-6**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Beedle gave a brief overview of the issue as contained in the staff report as submitted and recommended approval. President Perea made a motion to approve staff's recommendation and welcomed Sonic Burger to district 7.

Speaking to the issue were: an unidentified representative of Sonic Drive-In who thanked the City; and Richard Samuelian, Sam's Luggage, who spoke in support.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Councilmember Calhoun thanked the neighborhood committees for all their work in reviewing the various projects before they come to Council, and along with Councilmembers Duncan and Ronquillo spoke in support.

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-29/R-01-51/C-02-02 dated February 11, 2002, hereby approved; the above entitled Resolution No. 2002-159 hereby adopted; and the above entitled Bill No. B-24 rezoning the subject site subject to the requirements that ingress and egress along E. Rialto be prohibited, that future uses on the site be restricted per Exhibit A-A dated March 11, 2002, in the staff report, and that the subject property be annexed to the City of Fresno adopted as Ordinance No. 2002-24, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(3A) CONSIDER ADOPTION OF ORDINANCE REQUIRING ESTABLISHMENT OF CRITERIA AND PROCEDURES FOR SELECTION/HIRING OF CONSULTANTS

1. * BILL NO B-22 - ORDINANCE NO. 2002-25 - AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO CONTRACTS FOR SERVICES, PUBLIC WORKS CONSTRUCTION, EQUIPMENT, MATERIALS, AND SUPPLIES

City Attorney Montoy gave a brief overview of the issue and recommended approval.

** A visiting Reedley school class was acknowledged and welcomed.

City Manager Hobbs, President Perea and Councilmembers Calhoun, Ronquillo and Castillo spoke in support of the ordinance stating it was needed, it achieved a workable balance, and it was done in the interest of fairness, and commended staff and Acting President Castillo for their work and leadership.

On motion Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Ordinance No. 2002-25 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:30 A.M.) COUNCIL DISCUSSION AND ACTION REGARDING A PROPOSED CHARTER AMENDMENT TO INCREASE THE MEMBERSHIP OF THE RETIREMENT BOARD TO ALLOW FOR A REPRESENTATIVE OF RETIREES - PRESIDENT PEREA

Briefly reviewed by President Perea who stated he has been dealing with the issue for the past couple of years and he felt it was prudent and time to place the matter before Council to determine if there was an interest in putting the matter on the ballot, and stated his support for giving retirees a voice on the boards.

Speaking in support of a charter amendment were: Frank Balekian, 390 N. Martha, speaking as a citizen and on behalf of retirees; Robert Markus, 3873 E. Lyell; and Sam Frank, President, Fresno City Employees Association.

Councilmember Ronquillo spoke in support of the issue stating this was an issue of fairness, proper representation and perspective, and made a motion to direct staff to prepare a resolution/charter amendment for the November ballot. The motion was seconded and subsequently withdrawn, reinstated, and acted upon.

City Manager Hobbs stated he, the retirement administrator and a couple of board members had some concerns with the proposal and suggested the matter be tabled so a meeting could be held with the respective retirement board and hear their concerns.

Retirement Administrator McDivitt stated it was unclear whether this would involve the both employees and fire and police retirement boards; stated the issues of representation, composition, and technical board structure also needed to be looked at and explained; and requested his office and staff be allowed to review the matter and bring back alternatives and issues for more clarity. President Perea clarified Council wanted to give direction this date to place the matter on the ballot in November and that the fine-tuning could be worked out. Councilmember Ronquillo concurred with the need to address concerns and get added input from staff and the retirement office/board, and withdrew his motion. Mr. McDivitt and City Attorney Montoy responded to questions and/or comments of Acting President Castillo and President Perea relative to whether any dialog had occurred with the retirement boards on the issue, what the timeline was to get the matter on the ballot, support for moving with the direction, not creating a “battlefield” with the administration, and if it was appropriate to keep the original motion. Ms. Montoy clarified only the employees retirement was at issue at this time, the motion would be appropriate, and that Council direction was needed on the seventh member (public or management), whereupon the original motion was reinstated.

Councilmember Duncan questioned the cost to place the matter on the ballot and funding source (with City Clerk Klisch responding); spoke to the need for staff look at all options; noted the issue was what was good effective policy; stated the retirement board talking with police and fire made sense; and stated his concern was unintended consequences and he felt Council was rushing into something. Mr. Hobbs concurred this was a policy issue but stated he wanted Council to fully understand what was being done citing the massive amount of dollars involved and the structure of the board.

Mr. Hobbs, Ms. Montoy, President Perea and Ms. Klisch responded to questions and/or comments of Councilmembers Boyajian, Ronquillo and Castillo and/or clarified issues relative to how much time staff needed to report back, if the city manager’s concerns were valid, Ms. Montoy stating she felt this was a simple issue and reiterated the need for direction on the seventh member, what the issue was with the seventh member, if there was a financial issue involved (**4 - 0**), ability for the mechanics to be worked out, Councilmember Ronquillo commenting on the need for fair and equitable representation to avoid the illegal expenditure of retirement funds as in the past and explained, election costs and if it would go down with multiple issues placed on the ballot, if the city attorney’s office was working on other items to place on the ballot, and Acting President Castillo noting President Perea had worked on the issue for two years and he felt staff would be able to return with options in three weeks. Councilmember Duncan stated he could support a motion for staff to come back on June 11th with proposals, options and recommendation so Council could debate on a thoroughly presented issue but he felt Council was being premature in not giving staff the opportunity to discuss the matter with the retirement boards, stated the motion on the floor was too specific, and clarified all agreed retirees needed a voice but this was a matter of being thorough and performing due diligence.

On motion of Councilmember Ronquillo, seconded by Acting President Castillo, duly carried, RESOLVED, staff directed to report back on June 11th with a resolution to place on the November ballot the matter of increasing the membership of the Employees Retirement Board to allow for a representative of retirees, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Duncan
Absent	:	None

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RECESS - 11:06 A.M. - 11:18 A.M.

(11:10 A.M. #1) DISCUSSION AND RECONSIDERATION OF COUNCIL ACTION ON 4/23/02, REGARDING DOWNTOWN PARKING ISSUES INCLUDING METERS AND GARAGE OPERATIONS - COUNCILMEMBER QUINTERO (CONTINUE TO 5/21/02, AT 10:15 A.M.)

Continued as noted.

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(11:10 A.M. #2) APPEARANCE BY LORENE PRANDINI, DIRECTOR, FRESNO LEARNING CENTER, TO DISCUSS PARKING NEAR MASTEN TOWERS LOCATED AT 1240 BROADWAY

Ms. Prandini spoke to hardship placed on people coming to the Learning Center, and those who have quit coming, due to the increased parking fees and requested low or no cost parking for the seniors who utilize the center. Also speaking to the issue and expressing concerns with the fees were: Mrs. Clover, Squaw Valley; Frances Howers, Easton area; and Jennie Avalos. Discussion ensued on the issues of inadequate downtown parking and the fees with various Councilmembers and staff speaking to and clarifying the issues involved. Attendees were invited to attend next week's meeting when the parking and fee issues would be addressed and there was no further discussion.

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(11:15 A.M.) AUTHORIZE TERMINATION OF PARKING AGREEMENTS FOR U.S. IMMIGRATION AND NATURALIZATION, FRESNO COUNTY EMPLOYEES, FRESNO COUNTY JUROR PARKING, FRESNO COUNTY PARKING AGREEMENT FOR BOARD AND COMMISSION MEMBERS, AND UNIVERSAL OUTLET, INC. (SWAP MEET MALL)

Transportation Manager Madewell reviewed the issue as contained in the staff report as submitted and clarified the potential for renegotiation would be coming in the future.

Councilmember Duncan strongly recommended Council approve staff's recommendation, distributed a chart showing to what extent the City was subsidizing other governmental agencies' employees parking (\$114,000 a year), presented questions relative to the total expense for the recent upgrade of the entire downtown area and the parking garage modifications (with Mr. Madewell responding), and made a motion to approve staff's recommendation, which motion was seconded and acted upon after discussion.

Mr. Madewell and City Manager Hobbs responded to questions and/or concerns and/or comments were made by Councilmembers Quintero, Boyajian, Ronquillo and Duncan relative to “proper noticing”, if there would be options to renew, what the letter to agencies would state, if the opportunity to renew would be offered to all the agencies including those whose agreements have terminated, there being a bigger issue as people, i.e. jurors, would be hurt and entities would be jeopardized, citizens’ needs and safety being at issue--not just dollars and cents, the issue of “subsidies” **(5 - 0)** including subsidies sometimes being incentives to develop and need to be sensitive when good deals are presented, and action this date providing for an opportunity to negotiate so the City does not carry the entire burden.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the termination of each above listed agreements hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan
Noes	:	Quintero, Ronquillo, Perea
Absent	:	None

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(11:30 A.M.) APPROVE DEAL POINTS TO AMEND THE FRESNO/CLOVIS SEWERAGE SYSTEM JOINT POWERS AGREEMENT TO PROVIDE FOR THE MUTUAL EXCHANGE OF SEWER CAPACITY BETWEEN FRESNO AND CLOVIS

Public Utilities Director McIntyre reviewed the issue as contained in the staff report as submitted and related matters and recommended approval of the deal points.

Alan Weaver, Clovis Public Works Director, spoke in support of staff’ recommendation.

President Perea and Councilmember Calhoun spoke in support stating this was a major agreement, it would help Fresno growth to the southeast, and this was a plus and beneficial for both communities. A motion and second was made to approve staff’s recommendation and Mr. McIntyre and Mr. Weaver responded to briefly to questions of Councilmember Ronquillo and President Perea relative to the Clovis trunk line and when the matter would be presented to the Clovis City Council.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the amendment to the Fresno/Clovis Sewerage System Joint Powers Agreement to provide for the mutual exchange of sewer capacity, consistent with the deal points specified in the staff report hereby approved, and the Public Utilities Director authorized to draft and execute the amendment, subject to approval as to form and conformance with the appropriate level of environmental review, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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LUNCH RECESS - 12:09 P.M. - 1:35 P.M.

CLOSED SESSION:

(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CASE NAME: CLAIM OF BOMBAY CORPORATION

Laid over one week.

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CLARENCE TILLMON V. CITY OF FRESNO, SCOTT DAVIS

(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 100 (IBEW)
2. INTERNATIONAL UNION OF OPERATING ENGINEERS/STATIONARY ENGINEERS (LOCAL 39)

(D) REDEVELOPMENT AGENCY: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY, DANIEL FITZPATRICK - COUNCILMEMBER DUNCAN

The City Council and Redevelopment Agency met in closed session in Room 2125 at the hour of 1:35 p.m. to consider the above issues. The Agency adjourned their meeting thereafter and the City Council reconvened in regular open session at 3:21 p.m.

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(2:30 P.M.) APPEARANCE BY F.A.C.T. (FRESNO AREA CONGREGATIONS TOGETHER) COMMITTEE TO DISCUSS THE CITY BUDGET, REDEVELOPMENT HOUSING FUND, AND SAFETY ISSUES RELATING TO THE JENSEN BYPASS AND CEDAR AVENUE INTERSECTION - PRESIDENT PEREA

Maria Gonzales, St. Alphonsus Local Organizing Committee, Mary Maldonado, Sunset and St. Alphonsus Organizing Committees, and Christopher DelaCerde, Mr. Carmel and St. Alphonsus Organizing Committees, spoke to the need for affordable housing and requested a Madera housing program be followed using redevelopment housing funds. President Perea suggested the group set up a meeting with the city managers office to discuss the housing matter further and there was no further discussion.

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(1:30 P.M.) CONTINUED BUDGET HEARING

GENERAL FUND OVERVIEW:

City Manager Hobbs gave opening comments stating the budget would be used as a policy tool, it would serve as a good financial control mechanism, it would be a management tool, and it would present a public information strategy and communicate clearly to the taxpayer what the City was proposing to do with their tax dollar and explained; and Controller Quinto gave an overview of the FY 2003 general fund uses and advised it had just been learned the Governor's budget discontinued funding for SB 90 reimbursement and booking fees representing \$1.74 million in revenues resulting in a budget shortfall, and responded to questions of President Perea relative to revenue growth and what was being projected for FY 2003 prior to the SB 90 information.

Councilmember Calhoun commented on the need to make the process of budget review more efficient and made a motion relative to requiring two Council members to move an item forward on the budget motion list for further consideration noting last year one member could do so without receiving a second.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, special consideration of specific budget items will require the action to be both moved and seconded, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

POLICE DEPARTMENT:

(3B) RESOLUTION - APPROVING SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) FOR THE UNIVERSAL HIRING PROGRAM, AND AUTHORIZING THE EXECUTION OF ANY RELATED DOCUMENTS

Chief Dyer reviewed FY 2002's highlights and accomplishments **(6 - 0)**, gave an overview of the significant areas in the proposed FY 2003 budget, and concluded stating although the department still had several unfunded needs totaling \$971,000 the Mayor's proposed budget, coupled with the reorganization efforts, would allow the department to meet the community's needs for FY 2003.

Councilmember Duncan expressed his disappointment with a group this past weekend calling for a police oversight/review board and explained; stated the decrease in violent crime was a great testament to a great job by the department; noted the juvenile accountability ordinance had been shown to be very effective; cited the dispatcher problem last year and questioned how the situation was now; relative to waiver being requested for the COPS grant questioned how the lack of the waiver would impact the budget; commented on the need to do everything possible to get the 92 additional police officers stating he supported moving forward even if the City did not get the waiver and added the necessary funding could be found if the City got serious about saving money; and made a motion to approve the above resolution, **Item 3B**, which motion was seconded and acted upon at the end of discussion.

Extensive discussion ensued with Councilmember Duncan, Chief Dyer, City Manager Hobbs, Deputy Chief Fifield, City Attorney Montoy and Controller Quinto responding to questions of Councilmembers Calhoun, Ronquillo, Boyajian and President Perea relative to how the motion for Item 3B got into the picture, general fund impact through FY 2007, the COPS grant, the department reorganization, the \$7 million cost figure for the additional officers and if it was affordable, if the city was going after the grant due to needs and not because it was learned "dollars were out there", officer ratio to population, total compliment of officers with the additional 92, evidence room status, funding source the for the department's budget increase, problem with speeders and lack of traffic officers, revenue sharing with Fresno County, what the department was looking at to increase revenues/enhance the budget, increase in the patrol support division **(7 - 0)**, if some of the 92 police officers would be replacing some of the officers lost due to loss of

grant funds, revenue measures/alternatives for public safety including a tax assessment, breakdown of funding source for the department increase, pension obligation bonds (POB's) savings, funding beyond POB savings to maintain officers, overall past growth trends, distressed neighborhood grants, why Item 3B was not included in the budget, when the COPS grant first came to light, need for alternative revenue measures, citizen support for a public safety tax, number of inmates released weekly, the organizational chart/tight span of control, if the increased funding would fully fund every authorized position 100%, and the Parole Apprehension Team and if higher rates negotiated with school districts for officers in high school were going towards the parole team.

MOTION - Councilmember Calhoun/Castillo - Determine funding source for the five positions of the Parole Apprehension Team (other than the rates negotiated with the school district(s) for police officers in high schools)

Discussion continued with Chief Dyer and Chief Frost responding to questions of Councilmembers Calhoun, Castillo and Boyajian relative to the new skywatch helicopter being proposed, need for more police presence in neighborhoods and if the message was getting out to officers, busiest police shift (**8 - 0**), number of officers freed up by the helicopter, helicopter program including cost, funding source, maintenance and staffing, and a public safety tax, with Councilmember Duncan stating he would strongly oppose such a tax stating he did not feel it was needed and reiterated so much money wasted within the city of Fresno.

(3B) RESOLUTION NO. 2002-160 - APPROVING SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) FOR THE UNIVERSAL HIRING PROGRAM, AND AUTHORIZING THE EXECUTION OF ANY RELATED DOCUMENTS

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-160 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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FIRE DEPARTMENT
DEPARTMENT OF PUBLIC UTILITIES
TRANSPORTATION
PARKS, RECREATION AND COMMUNITY SERVICES
CONVENTION CENTER
PLANNING AND DEVELOPMENT DEPARTMENT

The budget hearing was continued, along with the above departments, to May 21, 2002, at 1:30 p.m.

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THE FOLLOWING PORTION WAS NOT TAPE-RECORDED:

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY GLORIA TORREZ REGARDING OPPOSITION TO ITEM 1-N FROM MAY 7, 2002, MEETING (RESOLUTION NOS. 2002-154 AND 2002-155)

Ms. Torrez further clarified her opposition due to lack of a public hearing and the grant being given after services are provided; and commented on issues relative to clean air diesel buses, air pollution, increased frequencies on key bus lines/Line 38, and need for FAX dollars to stay with FAX.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:50 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 21st day of May, 2002.

Henry Perea, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk